

RULES FOCUS GROUP  
MEETING NOTES  
September 22, 2005

Here are my notes from the September 22, 2005 focus group meeting. If you have any questions or if you think I missed something, please don't hesitate in letting me know.

Participants:

Glenn Frye	Washington State University
Joe Olson	OFM/Labor Relations Office
David Levin	King County Labor Relations Office
Dave Fleming	Public School Employees
Gladys Burbank	Washington Federation of State Employees
Michael Wilmore	Washington Federation of State Employees
Kerry Sievers	City of Redmond
Nancy Kennedy	AFT Washington
Ken Holstein	The Evergreen State College
Marv Schurke	PERC
Ken Latsch	PERC

These are the general subject matters raised by our meeting participants:

1. Definition of "supervisor", particularly in the higher education setting (Glenn).
2. Pre-hearing procedures. PERC hearings would be more efficient if there was some kind of pre-hearing procedure, similar to that used by the Personnel Appeals Board (Joe).
3. Interest arbitration cases would be improved if there was more specificity about the issues to be certified. Instead of just listing the general issue, it would be better to list the specific positions of both parties on the particular issue (Kerry).
4. Interest arbitration process could be improved if there was a strong "summary judgment" process to use when unfair labor practices are filed that involve issues submitted to arbitration. (Kerry)
5. The use of union authorization cards for cross-check purposes cuts off an employee's right to cast a ballot on whether or not he/she wants to be represented by a union (Kerry).
6. Representation cases should have some kind of mechanism to allow flexibility for employers to deal with changes in the employment relationship rather than having to "freeze" wages, hours and conditions during the pendency of a representation petition (David Levin).

7. PERC's dispute resolution panel is not very useful because a number of arbitrators come from remote states and do not have any "local reputation" for parties to analyze. The agency should consider some kind of limitation on panel membership, either by having to have in-state experience, or at least, living in bordering states (David Levin).
8. PERC grievance arbitration practice should be modeled after FMCS and AAA models, giving the agency more control of the overall process. (Dave Fleming).
9. Agency rules about union security must be modified to fit into the statutory requirements in Chapter 41.80 RCW. For example, the statute conflicts with existing rules about escrow of funds and designation of charities (Gladys).
10. Impasse rules do not refer to factfinding for state employees, which is allowed in Chapter 41.80 RCW (Gladys).
11. The agency should consider adopting a rule allowing the Commission to "reconsider" its decision on a particular case (Gladys).
12. The agency should allow "accretions" to continue following the same procedure that was used in the "unit perfection" process (Gladys).
13. In representation cases, where a decertification petition has been filed, a tie vote should not lead to a finding of "no representation" (Gladys).
14. The agency should consider adopting a rule similar in scope to WAC 356-42-042(9), which allowed campaigning on employer premises during work hours (Gladys).
15. Extend the time for "response" briefs beyond 14 days (Joe)
16. Broaden the scope of the definition of "confidential" beyond the standard now used by PERC (Joe).
17. The agency should consider re-visiting the issue of how "fresh" cards should be in representation cases (Joe).